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3625

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/672,081	<b>Applicant(s)</b> CLARK ET AL.	
	<b>Examiner</b> William J. Allen	<b>Art Unit</b> 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned-patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9/26/2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show (a) first tier supplier facilities 130.1, second tier supplier facilities 130.2, and later tier supplier facilities 130.N in reference to Figure 1 and (b) a brokering module 126 in reference to Figure 2 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Information Disclosure Statement***

The information disclosure statement filed March 2, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The Examiner notes that a copy of the NPL document "DESCARTES.com" was not received.

***Specification***

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

Claim 8 is objected to because of the following informalities: Line 8 recites "part or product", however, line 9 recites "part of product". Line 9 should be changed to read "part or product". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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**1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

In line 7, the applicant recites "an electronic commerce facilitator coupled to said on or more business entities and said one or more sets of tiers of suppliers". It is unclear what constitutes an "electronic commerce facilitator" in claim 1. For example, the electronic commerce facilitator could comprise a server or like electronic system wherein a plurality of businesses/suppliers is connected to complete transactions electronically. Conversely, the electronic commerce facilitator could comprise a human intermediary working in conjunction with multiple business partners to complete transaction received via the Internet. For examination purposes, an electronic commerce facilitator will be interpreted to be any electronic system/server capable of being used to complete transactions and/or exchange information among business/trading partners.

Furthermore, the applicant recites the use of an "order collaboration system" but fails to define what comprises an order collaboration system. An order collaboration system could be one of a multitude of systems similar to those mentioned above and used to aid in the completion of orders. For examination purposes, an order collaboration system is interpreted as any electronic system capable of being used to help facilitate order fulfillment.

**2. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 6 recites the limitation "said hub" in line 20 but fails to mention "said hub" previously. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "aggregation module" in line 5, whereas claims 1-6 refer to an "aggregation element". There is insufficient antecedent basis for this limitation in the claim.

**3. Regarding claims 21 and 29, the term "relatively" renders the claim indefinite because the limitation is unclear.**

For example, supply of a part or product may currently reside at 40 units. The supply of the part or product is then sufficient for an order of 30, *relatively* short for an order of 50, and grossly short for an order of 1000. In any case, a short supply is a shortage of a desired item, part, or the like. For examination purposes, the term "relatively short supply" will be interpreted to mean there is a shortage in supply for a desired part, item, or the like.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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**4. Claims 1-2, 4-7, 16-18, 24, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong (US 2003/0149578).**

Wong discloses a system and method comprising an intelligent procurement agent (IPA) for managing a supply of goods. The IPA works to analyze multiple vendor systems such as, but not limited to, enterprise resource systems (ERP), using network capabilities and web based messaging.

**Pertaining to claim 1:**

- One or more business entities defining a head of a supply chain. Wong discloses prior art systems for managing exceptions to a normal procurement process. The systems work in conjunction with a supplier of a component, good, etc. When an exception (i.e. shortage) is detected, the systems generate actions (i.e. requests) that are responded to by suppliers. The responses are monitored and determined whether or not they are acceptable. A second possible solution with these systems is considering alternative suppliers for the component, good, etc. (see at least: col. [0007] to [0009]. The Examiner notes that the multiple suppliers constitute a *head of a supply chain*. Furthermore, Wong discloses the IPA to be in communication with a vendor (i.e. *head of supply chain*) (see at least: [0055]; FIG. 12)
- One or more sets of tiers of suppliers, wherein each said set of tiers is disposed in an extended supply chain. Each product or finished good may include hundreds or thousands of unit level components (e.g. resistors, processors,

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diodes, wires, semi-conductors, etc.), which in turn causes the supply chain to become volatile (see at least: [0010]). The Examiner notes that the suppliers of the unit level components constitute a tier of suppliers in an extended supply chain.

- An electronic commerce facilitator coupled to said one or more business entities and said one or more of tier of suppliers. An IPA communicates with (and is thereby coupled to) a remotely located vendor via a web server. Additionally, an ASP/ISP communicates with the business-to-business (B2B) environment through a formatter and a message translator in the IPA (see at least: [0055] to [0056]). The message manager is further set to send and receive communication from multiple buyers and suppliers (i.e. *one or more business entities of a tier of suppliers*) (see at least: [0058]). The IPA is thereby considered an electronic commerce facilitator.
- A database including information from said one or more sets of tiers of suppliers relating to two or more of the following: price, inventory, delivery schedules, backorders and supply interruptions, exceptional events, contracts and past transactions. The IPA includes a processor connected to a database and rules manager, with the database further comprising an ERP raw database, processed data database, and an exception event database (see at least: [0059]). An ERP may determine that due to additional output required by a buyer, production needs to be increased at a manufacturing facility (i.e. *relating to inventory*). As a result, additional supplies may be required from a supplier. To procure the



required goods from the supplier, the ERP generates a request to the IPA. The request from the ERP is received and extracted by an external program, and then forwards the extracted information, allowing the IPA to receive the raw ERP data to the ERP raw database (which is part of the database and rules manager). Additionally, the processed data database stores data processed by the present invention such as, but no by way of limitation, days of supply or a difference between the target days of supply and the actual remaining supply (i.e. *relating to inventory and supply interruptions*). Furthermore, the exception event database stores all current and historical corrective action details for the entire life cycle of the exception management process (i.e. *relating to exceptional events*) (see at least: [0072] to [0073]).

- *An order collaboration system coupled to said electronic commerce facilitator, whereby said one or more business entities can view updates to supply chain conditions for said plurality of said tiers.* The IPA also includes a resolution manager. For manually controlled parts, the user is expected to decide on the options of hold, accept, or terminate for every activated primary and secondary action. The resolution manager performs the tasks of sending an acceptance message to the vendors whose primary action has been selected and sending rejection notifications to the vendors whose primary actions have been terminated (see at least: [0381] to [0384]). The system further includes an execution module that receives the determination from the decision support module, triggers an action that is corrective and generates an interactive output

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(see at least: abstract). By providing and interactive output and allowing the user to hold, accept, or terminate actions, the IPA system permits a user to *view updates to supply chain conditions* and make a decision based on those conditions and the proposed actions. The Examiner further notes the IPA (*electronic commerce facilitator*) is coupled to the resolution manager (*order collaboration system*).

**Regarding claim 2,** Wong further discloses *including an aggregation element for aggregation of information relating to one or more products associated with said one or more business entities, wherein said information is stored in a database.*

The IPA includes a processor connected to a database and rules manager, with the database further comprising an ERP raw database, processed data database, and an exception event database (see at least: [0059]). An ERP of a business entity connected to the system may determine that due to additional output required by a buyer, production needs to be increased at a manufacturing facility (i.e. *information relating to one or more products*). As a result, additional supplies may be required from a supplier. To procure the required goods from the supplier, the ERP generates a request to the IPA. The request from the ERP is received and extracted by an external program, and then forwards the extracted information, allowing the IPA to receive the raw ERP data to the ERP raw database (see at least: [0071]). The Examiner notes that in this instance, the ERP system and ERP raw database gather (i.e. *aggregate*) information and store it in a database.

**Regarding claim 4,** Wong further discloses *said aggregation element includes a performance evaluation element capable of collecting and analyzing information regarding supply chain performance of multiple tiers of suppliers.* The IPA further includes an implication manager evaluates the context and implications of an exception event. The application of the implication manager is performed in, but not limited to, the context of cost, availability (*dearth* or *surplus*), responsiveness (*delivery schedule*) and quality issues (*quality defects*). The implication manager is in communication with the ERP raw database and receives part identifier and exception event information (see at least: [0109]; [0111]). The Examiner notes that the system is monitoring the conditions for multiple parts, which in turn are supplied from a number of suppliers, thereby creating multiple tiers of suppliers.

**Regarding claim 5,** Wong further discloses *wherein said information regarding supply chain information includes at least one of: costs, ship dates, evaluation regarding whether a selected supplier performed well with regard to price adjustments, with regard to promised supply amounts or deliver schedules, whether the selected supplier has had an unusual number of quality defects, or whether there have been an unusual number of supply chain exceptions.* The implication manager evaluates the context and implications of an exception event. The application of the implication manager is performed in (but not limited to) the context of cost, availability (*dearth* or *surplus*); responsiveness (*delivery schedule*) and quality issues (*quality defects*) (see at least: [0109]).

**Regarding claim 6 and 7,** Wong further discloses a system including a *brokering module that is part of said hub or logically distinct from said hub and acts on that information on dearth and surplus parts and products to attempt to broker deals between or among entities that have dearth and surplus of the same parts or product, whereby the dearth and surplus are eliminated or mitigated.* The IPA system manages exceptions to normal operating situations in the procurement of supplies (e.g. events that require a corrective action due to a corresponding condition in the procurement process such as supply shortage) (see at least [0005]; [0007]). To create an action, a session manager updates an exception event database using part identifiers and categorization information to match with corresponding records in the exception event database. If the part does not have a corresponding match, the session manager stores a record in the exception database (see at least: [0102] to [0103]). The session manager works in conjunction with an auto trigger manager to send messages to relevant suppliers, trading partners, internal business, individuals, etc. (see at least: [0108]). An action module works simultaneously with the auto trigger manager to resolve exception events. For example, the action module may send an inquiry to a supplier for a lead-time reduction request (i.e. *mitigating a dearth of supply*). Furthermore, additional vendors may be sought out and contacted regarding an alternate supply of products or parts (see at least: [0754] to [0756]; FIG. 10 and 11). The Examiner notes that by seeking out alternate vendors and inquiring about lead-time reductions the system is attempting to *broker deals* with other entities. Additionally, as part of the IPA system, the ERP and ERP raw database work in conjunction with the

multiple modules and managers to disseminate information throughout the system as needed.

**Regarding claim 16, Wong further discloses:**

- *Said information transferred across the supply chain is done so via said hub.* The system also comprises a web server as well as an IPA APP server for transmitting data, messages, etc. throughout the various elements of the system (see at least: FIG. 12).
- *Said messages contain reference to one or more said messages that are its causal antecedents.* The implication manager checks for compliance when a supplier responds to an action (i.e. *message*). An action release is also generated, and the action is completed. For example, but not by way of limitation, if a vendor is late in delivery, the action may be to remind or warn the vendors of late delivery via an interaction message (e.g., "We have not yet received your delivery of bolts scheduled for Jan. 1, 2000. Please confirm whether this delivery has been initiated."), and then await a response from the vendor (see at least: [0084]; [0372]). The Examiner notes that the request for a corrective action references a previous action, and therefor a previous message.
- *Said references contained are analyzed by said aggregation element.* The recipient of the message can issue a reply, which is transmitted to the implication manager. The implication manager evaluates collective impact of acknowledged corrective action (see at least: [0084] to [0085]).

- *Said aggregation element uses the analysis to build a dictionary of cross-references for information transferred in said messages. A library of corrective actions may be stored in a database, rule base and/or a similar processor (see at least: Users are enabled to customize, scale, or update the library [0053]). The action library uses the unique part identifier and message identification (i.e. cross-reference) to match against existing records in exception event database (see at least: [0101] to [0104]).*
- *Said analysis is stored in said database. If no corresponding match is found the session manager identifies the part as subject to new record and stores the record in the exception event database (see at least: [0105]).*
- *Said dictionary can be reported to said one or more business entities or said suppliers via said order collaboration system. A message is generated and then sent from the action library and to the session manager, which is subsequently transmitted to the relevant parties/recipients such as suppliers, trading partners, internal business units, etc. (see at least: [0108]).*

**Regarding claim 17 and 18,** Wong further discloses *a feedback element capable of obtaining feedback information for a design process in response to supply chain performance and wherein said feedback information includes information relating to at least one of: selected preferred parts, selected preferred suppliers at one of said multiple tiers, selected parts that do not require new approval for use, selected preferred parts suppliers that do not need approval. The system manages the supply of a good*

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(i.e. part, component, or the like for a designed system) based on a request for said good using a decision support module that evaluates said request against a plurality of indicators and determines whether said request involves an exception that is indicative of a procurement problem in accordance with exception data. An execution module receives a determination from the decision support module, triggers an action that is configured to correct said exception and generates an interactive output (i.e. feedback) to an external entity (see at least: [0026]). Furthermore, the Examiner notes that the system is adapted to manage the supply of individual parts (see at least: [0046]; [0096]; [0098]).

**Pertaining to claim 24:**

- Receiving a request from one or more business entities regarding supply chain information relevant to one or more designs of parts used in designs. The systems work in conjunction with a supplier of a component, good, etc. When an exception (e.g. shortage) is detected, the system generates actions (i.e. requests) that are responded to by suppliers (see at least: [0055]). Each product or finished good may include hundreds or thousands of unit level components (i.e. parts used in designs) such as, but not limited to, resistors (see at least: [0010]).
- Determining which data is relevant to said request, wherein said data is derived from one or more suppliers across one or more supply chains or past business records associated with said manufacture and is related to at least one of the

following: price of at least one electronic or computer part, quantity available of said electronic or computer part, delivery schedules for said electronic or computer part, backorders, supply interruptions, exceptional events and contracts, and said data is stored in a database coupled to a hub. The IPA further includes an implication manager evaluates (i.e. *derives data from a supplier(s)*) the context and implications of an exception event (e.g. shortage/quantity available, lead-time issues, etc.). The application of the implication manager is performed in, but not limited to, the context of cost, availability (*dearth or surplus*), responsiveness (*delivery schedule*) and quality issues (*quality defects*). The implication manager is in communication with the ERP raw database and receives part identifier and exception event information (see at least: [0109]; [0111]).

- Aggregating said data in such a way that said aggregated data is responsive to said request. The IPA includes a processor connected to a database and rules manager, with the database further comprising an ERP raw database, processed data database, and an exception event database (see at least: [0059]). To procure required goods from a supplier, the ERP generates a request to the IPA. The request from the ERP is received and extracted by an external program, and then forwards the extracted information, allowing the IPA to receive the raw ERP data to the ERP raw database (see at least: [0071]). The Examiner notes that in this instance, the ERP system and ERP raw database gather (i.e. *aggregate*)



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information and store it in a database and aid in generating responses to requests from an IPA user.

- Generating a report and presenting said report to said one or more business entities, wherein said report is responsive to said request. The system further includes an execution module that receives the determination from the decision support module, triggers an action that is corrective and generates an interactive output for the user (see at least: abstract; [0381] to [0384]). By providing and interactive output and allowing the user to hold, accept, or terminate actions, the IPA system presents a report responsive to the request.

**Regarding claim 31**, the Examiner notes that the claim language of claim 31 closely parallels that of claim 16, therefor, claim 31 is analyzed and rejected on the same merits.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**5. Claims 3, 21 and 28-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US 2003/0149578) in view of Katz et al. (US 2002/0178077, herein referred to as Katz).**

**Regarding claim 3,** Wong teaches all of the above as noted under the 102(e) rejection and further teaches aggregating information and determining corrective actions for exception events such as supply shortage while generating interactive outputs containing aggregation (see at least: abstract; [0071]; [0381] to [0384]). Wong, however, does not teach *a presentation element wherein said presentation element presents aggregated information* Katz discloses a method and system that enables suppliers and procurement professionals to leverage enterprise and marketplace data in order to potentially improve decision making in business enterprises. Internal data from enterprises and external data from suppliers, catalogs, and marketplaces are integrated and analyzed in real time for their impact on supply chains processes (see at least: abstract). Katz further discloses displaying recommendations as aggregated reports on a user interface (i.e. *presentation element*). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of Wong to include allocation of parts in relatively short supply to selected projects as taught by Katz in order to improve decision making in a business entity and maximize revenue.

**Regarding claim 28,** Wong teaches all of the above as noted under the 102(e) rejection and further teaches aggregating information and determining corrective actions

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for exception events such as supply shortage (see at least: abstract; [0381] to [0384]). Wong, however, does not teach *evaluating the supply chain performance of multiple tiers of suppliers*. Katz discloses a method and system that enables suppliers and procurement professionals to leverage enterprise and marketplace data in order to potentially improve decision making in business enterprises. Internal data from enterprises and external data from suppliers, catalogs, and marketplaces are integrated and analyzed in real time for their impact on supply chains processes (see at least: abstract). A BOM optimization module aids in determining the optimal allocation of components in the face of a component shortage (see at least: [0315]). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of Wong to include allocation of parts in relatively short supply to selected projects as taught by Katz in order to improve decision making in a business entity and maximize revenue.

**Regarding claims 21 and 29,** Wong teaches all of the above as noted under the 102(e) rejection and further teaches determining corrective actions for exception events such as supply shortage (see at least: abstract; [0381] to [0384]). Wong, however, does not teach *directing said suppliers to allocate parts in a relatively short supply to selected projects*. Katz discloses a method and system that enables suppliers and procurement professionals to leverage enterprise and marketplace data in order to potentially improve decision making in business enterprises. A BOM optimization module aids in determining the optimal allocation of components in the face of a component shortage.

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Thus, if there is a shortage of a component with part number X and if part number X is used in a plurality of products 1-N, then what the manufactured quantities should be are determined considering criteria set by procurement, manufacturing, and/or finance (see at least: abstract; [0315]). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of Wong to include allocation of parts in relatively short supply to selected projects as taught by Katz in order to improve decision making in a business entity and maximize revenue.

**6. Claims 8-10, 12-15, and 33-37 rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US 2003/0149578) in view of Johnson et al. (US 2003/0023540, herein referred to as Johnson).**

**Regarding claims 8-10, 15, 33-34, and 37** Wong teaches all of the above as noted under the 102(e) rejection and further teaches attempting to broker deals with multiple vendors/suppliers to resolve exception events (see at least: [0754] to [0756]). Wong however, does not teach where *one or more entities with said dearth in a certain part or product can be matched with one or more said entities with a surplus in the same said part or product*, a brokering module *brokers a deal among on or more said entities, where each entity can choose whether they would like to participate in the brokered deal*. Johnson discloses a system and method for matching energy suppliers in need of resources to those with a surplus of resources in an auction format to stimulate competition between various providers. A local electric utility may be selling

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excess generating capacity (from its own generating plants) or buying power from nearby utilities, resellers, traders or brokers to cover a shortfall in its own supply (e.g., during certain peak periods), thereby matching an entity with a surplus to an entity with a shortage (see at least: [0002]). A bidding moderator receives offers from competing suppliers specifying the economic terms each is willing to offer to end users for estimated quantities of electric power or gas supply (separate auctions), thereby brokering a deal between the entities (see at least: abstract, [0002]). Bidding takes place between participating providers (i.e. those who have *chosen to participate*). All Providers will have the opportunity thereafter to submit a lower or higher bid for any end user (or any reseller or group of resellers) or group of end users to whom they wish to supply electric power or natural gas (i.e. *opt out of participating* if they do not wish to sell to an end user) (see at least: [0003]). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of Wong to include matching entities from one or more brokering groups with corresponding dearth and surplus in order to stimulate competition and drive prices in favor of the purchasing entity. Additionally, entities with a surplus of a part, product, or the like can alleviate the surplus while maintaining a profit (e.g. prevent lost revenue).

**Regarding 12-14 and 35-36,** Wong teaches all of the above as noted under the 102(e) rejection and further teaches attempting to broker deals with multiple vendors/suppliers to resolve exception events (see at least: [0754] to [0756]). Wong further lacks *said entities only matched within brokering groups, where a single said*

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*brokering group contains zero or more said entities, and the group of said entities can be within a single supply chain, across supply chains, or from within and outside of any number of supply chains, and where said brokering group can be assigned by said hub or by another said entity acting with authority from said hub.* Johnson discloses a system and method for matching energy suppliers in need of resources to those with a surplus of resources in an auction format. A bidding moderator (Moderator) receives offers from competing suppliers specifying the economic terms each is willing to offer to end users for estimated quantities of electric power or gas supply in separate auctions. The bidding process to supply electric power will be conducted separate and apart from the bidding process to supply natural gas. Power generators will compete only with other power generators. Gas producers will compete only with other gas producers (see at least: abstract; [0003]). The Examiner notes that the different auctions constitute brokering groups with multiple entities. Furthermore, the entities are matched in their specific auctions (i.e. *within the brokering group*), and thereby are involved *in zero or more brokering groups*. Additionally, a moderator (i.e. *entity acting with authority*) can select those Providers from whom participating end users or resellers will be provided electric power or natural gas and can change that selection at any time (see at least: [0003]). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of Wong to include matching entities from one or more brokering groups with corresponding dearth and surplus in order to stimulate competition and drive prices in favor of the purchasing entity. Additionally, entities with a

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surplus of a part, product, or the like can alleviate the surplus while maintaining a profit (e.g. prevent lost revenue).

**7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US 2003/0149578) in view of Johnson et al. (US 2003/0023540, herein referred to as Johnson), as applied to claims 8-10, 12-15, and 33-37, in further view of Dutta (US 2003/0028470).**

Wong and Johnson teach all of the above as noted under the 103(a) rejection and further teaches brokering deals to mitigate a shortage/surplus of supplies (see at least: [0754] to [0756]; FIG. 10 and 11). Wong and Johnson, however, do not teach *where each entity is kept secret until after said brokered deal is complete, whereby said entities cannot broker said deal without said hub*. Dutta discloses a system and method for completing anonymous transactions to protect suppliers from being defrauded using enhanced certificates issued from a certificate authority server (see at least: [0003]; [0005]). A purchaser or supplier may input instructions requesting an enhanced certificate where the purchaser node or supplier server transmits the instructions over the Internet to the certificate authority server (see at least: [0014]; [0015]). The enhanced certificate provides a more secure anonymous transaction (see at least: [0017]; FIG. 2). A hyperlink may be provided on a web site for access by the requestor by the aggregate exchange server (see at least: [0006]). The aggregate exchange server acts as a *hub* houses tables pertinent to the completion of anonymous transactions (see at least: FIG. 3B-3E). The Examiner further notes that the certificate is

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registered and must be approved by the aggregate exchange server otherwise the transaction is terminated (see at least: FIG. 5 element 340). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of Wong and Johnson to include keeping supplier identities secret as taught by Dutta in order to prevent outside entities from defrauding the supplier, thereby improving the security of transactions.

**8. Claims 19, 20, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US 2003/0149578) in view of Yehia et al. (2002/0091614, herein referred to as Yehia).**

Wong teaches all of the above as noted under the 102(e) rejection and further teaches generating corrective actions for exception events such as supply shortage, quality issues, etc. (see at least: abstract). Wong however, does not teach a *compliance element capable of reviewing and enforcing compliance with contract terms between one or more business entities and its suppliers, wherein compliance includes at least one of: delivery price, delivery quantity, price-quantity breakpoints, terms for part returns, and delivery methods*. Yehia discloses a system and method for reconciling contracts between two or more trading partners, the system based on a hub and spoke model. When a contract is received it is parsed into requested tags. Each tag represents a predefined field in a contract such as price, quantity, delivery date, and/or other contractual terms. Each partner in the hierarchical contract relationship places predefined rules in the system. The contract tag values are analyzed for compliance



with the requested tag values to determine if the requested tag values are in compliance with the contract tag values bases on one or more predefined rules. Contracts with outside providers act as a virtual inventory, making it critical to track orders against contracts in order for trading partners to be able to initiate multilateral actions to resolve issues (see at least: abstract; [0016]). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of Wong to provide a compliance element capable of reviewing and enforcing contract terms as taught by Yehia in order to provide a contract management system with supply chain visibility, allowing trading partners to initiate multilateral actions and resolve supply issues more expediently.

**9. Claims 22-23, 26-27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US 2003/0149578) in view of Harm et al. (US 2003/040823, herein referred to as Harm).**

Wong teaches all of the above as noted under the 102(e) rejection and further teaches brokering deals to mitigate a shortage/surplus of supplies (see at least: [0109]; [0111]; [0754] to [0756]; FIG. 10 and 11). Wong, however, does not teach *a blind design element capable of directing suppliers to use any design that meets design specifications, wherein the blind design element is responsive to a comparison of an estimated cost of optimization and an estimated possible cost savings due to design specifications*. Wong also fails to teach *comparing the overall projected cost of a particular design based upon process from multiple suppliers and determining the most*

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*cost efficient way to manufacture a design*. Harm discloses a system and method for optimizing measured values associated with components of a product. Users may request bids on various products or assemblies having multiple components (e.g. car mirror assembly). Suppliers of the requested product or assembly may manufacture the assembly under a number of different designs that meet user criteria (i.e. the system allows a supplier to *use any design that meets design specifications*). The measure values received from suppliers of a product may represent the cost estimates for supplying these components, that is, bids by suppliers on the cost of supply of these components to the user, thereby providing *a comparison of an estimated cost of optimization and an estimated possible cost savings*. The invention allows for minimization (i.e. *most cost efficient*) of cost (see at least: [0028] to [0031]). The Examiner further notes that when a supplier has been selected based on a cost comparison, the user directs the supplier to use a design meeting design specifications (i.e. the “*any design*” from above). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of Wong to include a blind design element responsive to provide comparisons of estimated cost as taught by Harm in order to allow a user (e.g. trading partner, business entity, etc.) to obtain products, components, or the like at minimal cost, thereby decreasing manufacturing costs and increasing revenue.

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**10. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wong (US 2003/0149578) in view of Official Notice (regarding old and well known in the art).**

Wong teaches all of the above as noted under the 102(e) rejection and further teaches generating corrective actions for exception events such as supply shortage, quality issues, etc. (see at least: abstract). Wong however, does not explicitly teach *determining dearth and surplus of parts and products at all known suppliers, manufacturers and other entities*. The Examiner takes the position that it is old and well known in the art to investigate all known suppliers of a product, part, component, etc. in order to implement the most cost effective solution to a shortage or surplus of products, components, etc. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the invention of Wong to include determining supply conditions for all known entities as taught by Official Notice in order to allow business entities to implement the most cost effective solution, thereby maximizing revenue.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bush et al. (US 2003/0125996) disclose system and method for managing capacity of professional and technical services is presented. This invention creates a simulated environment and information system in which users make decisions corresponding to resource management. UIS 2003/0009411 to Ram et al. discloses interactive grid-based graphical trading system for use in securities trading.

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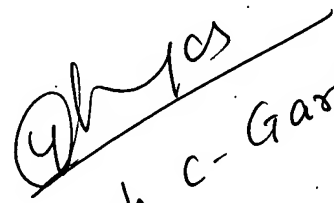
Yang et al. (US 201/034673) disclose a service part inventory planning and management system for one or more entities in a supply chain wherein wherein optimal levels of allocating parts to various customers is determined.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William J. Allen

  
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